

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

ORDER

Plaintiff Angela Davis filed this action against Defendant State of South Carolina Department of Insurance on September 30, 2014, alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., the South Carolina Human Affairs Law (“SCHAL”), S.C. Code Ann. § 1-13-10, et seq., and the Equal Pay Act (“EPA”), 29 U.S.C. § 206(d). (Doc. #1). On December 12, 2014, Defendant filed a motion to dismiss the action except insofar as it alleged a violation of the EPA. (Doc. #9). Plaintiff filed a response in opposition on January 5, 2015 (Doc. #16), to which Defendant replied on January 16 (Doc. #20). Defendant filed a motion to dismiss Plaintiff’s EPA claim on December 31, 2014. (Doc. #15). Plaintiff filed a response in opposition on January 20, 2015 (Doc. #21), and Defendant replied on January 27 (Doc. #23).

This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court grant Defendant’s first motion to

dismiss but deny Defendant's motion to dismiss the EPA claim. (Doc. #27). Defendant filed timely objections to the Report on April 16, 2015. (Doc. #28). Plaintiff filed no objections, and the motions to dismiss are now ripe for disposition.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The Court has carefully reviewed the Report and Defendant's objections thereto in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED** (Doc. #27), and Defendant's objections thereto are **OVERRULED** (Doc. #28). For the reasons articulated by the Magistrate Judge, Defendant's first motion to dismiss is **GRANTED**. (Doc. #9). Defendant's motion to dismiss the EPA claim is **DENIED**. (Doc. #15).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

April 29, 2015
Columbia, South Carolina